

SUNSHINE REFORM TASK FORCE MEETING MINUTES

**Wednesday, September 12, 2006
6:00pm – 8:30pm**

City Hall W-118

Present: Ed Rast, Strong Neighborhoods Initiative PAC; Dan Pulcrano, Silicon Valley Leadership Group; Susan Goldberg, San Jose Mercury News; Judy Nadler, Markkula Center for Applied Ethics; Dave Zenker, Falls Creek Neighborhood Assoc.; Virginia Holtz, Willow Glen Neighborhood Assoc.; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee, Margie Matthews, Former Councilmember, David Roberson, Housing Commission, Karl Hoffower, Citizens Commission on Human Rights; Brenda Otey, At-Large Representative

Absent: Ken Podgorsek, United Neighborhoods of SCC, Phaedra Ellis-Lamkins, South Bay Labor Council, Nanci Williams, San Jose/Silicon Valley Chamber of Commerce; Bobbie Fischler, League of Women Voters

Staff: Lee Price, City Clerk; Lisa Herrick, City Attorney; Dan McFadden, Interim Deputy City Manager; Tom Manheim, Public Outreach Manager; Eva Terrazas, City Manager's Office/Redevelopment Agency, Sandi Diamond, Office of the City Clerk

Legal Counsel: Edward Davis, Attorney, Orrick Law Firm

I. Approval of 8/17/06 Meeting Minutes

Upon the motion of Virginia Holtz and seconded by Margie Matthews, the Minutes of the last meeting were approved.

Abstaining: None

II. Comments from Chair Ed Rast

- Chair Rast summarized for the Task Force the August 29, 2006 update that he provided to the City Council. (For the complete report, see Item 3.5 on the 08/29/2006 City Council Agenda). Highlights included:
 - City Wide Master Calendar
 - Posting the calendars of elected and appointed officials to the web site. He noted outstanding issues to be addressed:
 - Privacy issues
 - Whistle blowers

Sunshine Reform Task Force

Meeting Minutes

September 12, 2006

Page 2

- Potential misuse
- Chair Rast also noted, in response to the Task Force's call for public proposals for reforms, a number of new proposals had been received. He pointed out that staff had provided copies to all members.

Brief discussion ensued on the procedures to begin work on the next agenda item, the *Public Meetings* Category. A suggestion to work from the Vice Chair's draft was discussed. Member Brenda Otey voiced objection because the Task Force had previously decided to not use sub-committees to work through issues. Member Margie Matthews proposed the Task Force use both the staff draft and the Vice Chair's draft.

Upon a motion by Virginia Holtz and seconded by Dave Zenker, the Task Force agreed to work from the *Public Meetings* draft submitted by Vice Chair Dan Pulcrano.

Abstaining: Margie Matthews, Brenda Otey

III. Discussion on *Public Meetings* Category

Section 2.1 Definition of Meetings and 2.2 Definition of Policy Bodies:

Upon a motion by Virginia Holtz and seconded by Susan Goldberg, the Task Force agreed to accept Section 2.1, Definition of Meetings, and to include a definition of "policy body".

The motion was amended to incorporate Section 2.2, Definition of "Policy Body", into Section 2.1. The Task Force directed staff to define all terms at the beginning of Section 2.1, and throughout as appropriate to facilitate readability, and further, to capture the intent of the Task Force with respect to defining "meeting" and "policy body".

Action Item: Staff will revise Sections 2.1 & 2.2 and bring back the draft to the Task Force for review and approval.

Abstaining: Brenda Otey

Public Comment: None

Section 2.3 Definition of Ancillary Bodies:

The Task Force discussed "ancillary" meetings. There were questions about the definition of an "ancillary" meeting and specifically what bodies it would apply to. Staff responded to questions about meetings that consist solely of employees. Vice Chair Pulcrano suggested that

Sunshine Reform Task Force

Meeting Minutes

September 12, 2006

Page 3

some, like meetings of Council Office staff who work as a “proxy” for their councilmember may be an example of “ancillary” meetings.

Public Comment: Bob Brownstein proposed that the Task Force consider formality, duration and scale as it considers subjecting certain “ancillary” meetings to a 72-hour noticing requirement.

After much discussion, the Task Force agreed to table the discussion on Section 2.3, Definition of Ancillary Bodies.

Section 2.4 Meetings to be Open and Public: Application of Brown Act:

The Task Force agreed to accept the content as written.

Section 2.5 Time and Place for Meetings of Policy Bodies:

City Clerk Price responded to questions relating to the City’s practice of distributing agenda related materials (staff reports, council memos and supplemental information). Concerns were expressed by Task Force Members Goldberg, Nadler, and Holtz about the Mayor and Council Members issuing Council Memos as late as the day of the Council meeting. Some discussion followed about referrals from Council Members Reed and Cortese, and David Parker that may address this issue. The Task Force agreed they were getting ahead of themselves and turned their discussion back to “ancillary” meetings.

The Task Force agreed to increase the public notice by a “Policy Body” from 72 hours to 10 days. They further agreed to incorporate wording and intent of the Brown Act with respect to emergency meetings. The Task Force agreed to impose a 72-hour notice requirement on all “ancillary bodies”.

Action Item: Section 2.5 was referred back to City Staff to clarify policy and ancillary bodies, and time and place requirements for different types of meetings.

IV. Next Agenda

The Task Force, by mutual consent, authorized the Chair and Vice Chair to add items to the agenda at the request of any Task Force member. Brief discussion ensued on whether the work plan should be a standing item on the agenda. Hearing no objections, staff will add a work plan discussion item to the standing agenda.

The agenda for the next meeting will include the following:

- A. Presentation on San Francisco’s Sunshine Ordinance by San Francisco Clerk of the Board & Ex-officio Member, Sunshine Ordinance Task Force. Gloria Young, MMC. Ms.

Sunshine Reform Task Force

Meeting Minutes

September 12, 2006

Page 4

Young will address the Task Force on the issues the San Francisco Sunshine Ordinance Task Force faced during the drafting process of San Francisco's Sunshine Ordinances.

B. Continue the discussion on *Public Meetings* Category, sections 2.6 through 2.15.

V. Public Comments: None

Meeting Adjourned at 8:43 p.m.